

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

TRACK 2 SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS COUNSEL'S MOTION FOR ENTRY OF AN ORDER GRANTING FINAL
APPROVAL OF THE TRACK TWO SETTLEMENT**

Class Counsel move for entry of an order granting final approval of proposed settlement with the Track Two Defendants. In support of this motion, Class Counsel are filing an accompanying memorandum of law; the Declaration of Katherine Kinsella Regarding Class Notice in the Track Two Settlement, the Declaration of Eric Miller Regarding Mailing of Notice to Class Members; Class Counsel's Memorandum of law in Support of Petition for Attorneys' Fees, Reimbursement of Expenses, and Compensation to the Class Representatives in Association with the Track 2 Settlement; the Declaration of Marc H. Edelson in Support of Class Plaintiffs' Joint Petition for Attorneys' Fees, and Reimbursement of Expenses in Relation to Track 2 Settlement; and a [Proposed] Final Order and Judgment Granting Final Approval to Proposed Track Two Class Action Settlement, Approving Proposed Allocation of Settlement, and Approving Class Counsel's Application for Attorneys' Fees, Reimbursement of Litigation Expenses and Compensation Awards for Class Representatives.

DATED: March 2, 2009

By /s/ Steve W. Berman

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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on March 2, 2009, I caused copies of **CLASS COUNSEL'S MOTION FOR ENTRY OF AN ORDER GRANTING FINAL APPROVAL OF THE TRACK TWO SETTLEMENT** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman